

EUR:GIR:WJHillibrand:gw.

Approved in S 6/19/62

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DEPARTMENT OF STATE A/CDO/MSR

DEPARTMENT OF STATE

Memorandum of Conversation
CATEGORY "A"

Sensitive Designator

Removed AUG 2 - 1972

DATE: June 18, 1962

11:30 a.m.,

Secretary's Office

SUBJECT: Germany and Berlin

WJHILLIBRAND

FILE RS/R

Downgraded To: SECRET CONFIDENTIAL

EO 11652: XSDS (1) (2) (3) (4)

Authorized System: [unclear]

August 4, 1972

PARTICIPANTS: Anatoli Dobrynin, Ambassador of the USSR

Georgi M. Kormienko, Counselor of Soviet Embassy

The Secretary

Foy D. Kohler, Assistant Secretary, EUR

Martin J. Hillenbrand, Director, Office of German Affairs, EUR

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W.H. - Bundy

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CIA - Mr. McCone

DEF - Mr. McNamara

DEF/ISA - Mr. Nitze

L - Mr. Chayes

Moscow - Amb. Thompson

Ambassador Dobrynin said that he had brought the Secretary's remarks at their last meeting to the attention of his Government and had now received appropriate instructions. He then read from an English text along the following lines:

(Mr. Hillenbrand was able after the meeting to check a number of points with Counselor Kormienko, who had the Russian text of Dobrynin's instructions, but no aide-memoire or other written document was handed over.)

The Soviet Union has agreed to an exchange of views with the United States Government on a peace settlement with the aim in mind of reaching a wide agreement which would contribute towards mutual understanding consistent with the interests of both sides. The Secretary's statement had been a repetition of what had already been said many times. That the United States would not participate in a German peace treaty, whether in a single treaty with the two German states or in separate treaties with the two German states. At the same time the United States is evading an agreement which could be concluded on such a basis that thereafter the Soviet Union could complete its peace treaty with the GDR and thus affect a mutually beneficial solution of the West Berlin and other related problems.

We now face the task of concluding a peace treaty and eliminating the vestiges of World War II. The most urgent situation requiring normalizing is that of West Berlin. This cannot be on the basis of the preservation of occupation rights, that is on the basis of the continuing presence of the occupation forces of the United States, Great Britain, and France. It is impossible to continue a useful

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discussion

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discussion of the German problem by attempting to lay aside the basic question of West Berlin and the liquidation of the occupation regime therein. To do this would be to preserve a dangerous hot-bed which could blow up the entire world.

If nothing was said about ending the occupation regime and withdrawing the occupation forces in the draft principles paper which the Secretary gave Foreign Minister Gromyko at Geneva, this was a weakness not a strength of this paper. It seeks to fix the present abnormal situation of West Berlin for an indefinite period and to engage both sides in indefinite talks. It would thus not lead to an arrangement which would draw a line under World War II.

The Soviet Union cannot accept any agreement perpetuating the occupation regime which is now constituted by NATO troops. The forces in West Berlin are not the same kind of forces as were there in 1945. Then they were directed at the elimination of German militarism and Nazism and at averting a further threat of World War. The occupation of West Berlin today constitutes a specific kind of NATO military base in which NATO forces are stationed.

The Soviet Government has made a number of concessions in its various proposals to have token forces of the four occupying powers in West Berlin, or to have neutral or UN troops in West Berlin. To these has been added the suggestion that symbolic forces of certain smaller NATO and Warsaw Pact countries might be stationed there. In the latter case these forces should naturally operate under the UN flag and not as representatives of the two blocs. They would be in West Berlin on the basis of a new treaty. Thus a clash between the US and the USSR would be avoided and account would be taken of prestige considerations on both sides. These troops would be a kind of symbol of the will of the participants not to allow outside interference in the affairs of West Berlin.

The Soviet Union had a right to expect that the United States would approach the Soviet proposals objectively, but the US has shown no willingness to compromise or to take account of the interests of both sides. The Secretary of State has said that the United States does not require recognition of the presence of its occupation forces since this is a fact. This presence allegedly gives the United States the right to stay indefinitely in Berlin. The Secretary has indicated that this is not a subject for discussion at all. But if the United States does not want to discuss this subject, then what is there to discuss? The continuing presence of occupation troops contradicts the aim of seeking a mutually acceptable solution and bringing an end to World War II. The US has also referred to its rights under the quadripartite agreements and the unconditional surrender of Germany. But these did not establish a basis for the indefinite occupation of any part of Germany. They envisaged a peace treaty and drawing a line under World War II. The US assumes unilaterally that it has an obligation to defend West Berlin and the rights of its population. This cannot, however, create additional rights with respect to presence or access. As is known, the Soviet Union and the GDR acknowledge the right of West Berlin to determine its own life. They are also willing to give international guarantees either by having

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UN troops there or under the most recent formula of troops from the two blocs under the UN flag. Any unbiased person would have to admit that these would be an improvement over occupation troops which are a constant cause of friction.

When the United States insists on the maintenance of the occupation, it is difficult not to get the impression that it cares less for the rights of the population of West Berlin than it does for NATO military interests. The US has said that it does not recognize any GDR right to control traffic to West Berlin. The GDR does not need such a right. Even now it controls 95% of all such traffic. When speaking of access therefore, one is talking only of 5% of the total traffic. The only basis for an agreement on such access would be one combining the principles of freedom with respect for the rights of the GDR. The Soviet Union is surprised, therefore, that the US has thought of the idea of some sort of international body, with a membership of thirteen states, which would exercise rights in and crossing the territory of the GDR. Such a proposal is unacceptable in view of its inconsistency with respect for the rights and sovereignty of the GDR. How could one expect the GDR to give up what it has to a body devised to deprive the GDR of its sovereignty over a part of its territory? This would not better but worsen relations between countries.

The Soviet Union has put forward its proposal for an international organ to act as an arbiter. This was a step towards the US position. It would not control access, however, but be an arbitral body to pronounce judgments. It would not play master over the territory of the GDR or interfere with its sovereignty.

It will be impossible to come to an agreement if the Western Powers try to force through Adenauer's claim to Berlin as a Land of the Federal Republic of Germany or his ideas on an access treaty. The Federal Republic of Germany is aggressive and threatening. Every delay in achieving a peace settlement encourages the Federal Republic to new provocations organized in West Berlin, for example, such hostile actions against the Socialist countries as those planned in West Berlin for the middle of July. (When queried by the Secretary as to his reference to the middle of July, Dobrynin checked with Kormilko's Russian text and corrected his statement to "the middle of June".)

As for the US suggestion regarding an all-Berlin technical commission, it had to be pointed out that, after having taken certain defensive measures, the GDR made certain proposals to the West Berlin Senat for agreement on measures to facilitate movement between West Berlin and the capital of the GDR. No favorable response was received. This could not be a subject for talks between the US and the USSR since it concerned a matter within the exclusive competence of the GDR. Its solution was an internal matter for the Germans themselves.

On a number of items some basis for understanding did seem to be emerging. The Soviet Government did not underestimate these. If the US were reasonable, agreement could be reached on them, but the principal task in connection with drawing a line under World War II is to settle the West Berlin question. As the Warsaw Pact powers

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had recently stated, they were willing to reach agreement on a mutually acceptable basis. If the Western Powers did not show a similar desire, then the Warsaw Pact countries would conclude a peace treaty with the GDR with all the ensuing consequences. This would mean that the GDR would acquire all the rights of a sovereign state and the vestiges of war would be completely liquidated. West Berlin would become a free demilitarized city and the rights of the occupation troops to remain there would not be recognized. All countries wishing to have contact with West Berlin would have to conduct normal negotiations with the GDR.

As Chairman Khrushchev had said recently to Mr. Salinger, it was unwise for the two sides to try to frighten each other. They both have ample power. To threaten to resort to the argument of force does not help understanding. If anyone tries to threaten, he should realize that he is doomed to failure. It was believed that the US Government was aware of this.

Returning to the analogy of the Japanese Peace Treaty, it had to be pointed out that the US and the USSR had fought together against Japan and that the Japanese had also surrendered to the USSR. Nevertheless, a separate peace treaty had been signed with Japan depriving the Soviet Union of its rights as an occupying power. Now the US wants to keep its occupation troops in West Berlin despite such a peace treaty, even though this would merely lead to tensions and prevent the elimination of the vestiges of the war. If it is true that at the time of the San Francisco conference the US had certain ground to believe that it enjoyed a military advantage over other powers, this time has now passed. As the President recently said, there is now an equality of power. Regard must, therefore, be taken for the position of other sides. This must be understood. If in fact the Western Powers force the Soviet Union to conclude a peace treaty with the GDR, they will find themselves in the same position as the USSR after the Japanese treaty.

The Soviet Union does not want to see the glimpse of hope and understanding between it and the US fade. It, therefore, hopes that the US Government will not yield to those who are trying to force a collision.

(This concluded the formal statement of Dobrynin's instructions.)

The Secretary said he was going to address a rather curious question to Dobrynin as Ambassador. He wondered what his answer would be if he were to ask the Ambassador whether he saw anything new in what he had just said. Dobrynin responded that his remarks were intended as a summary of the Soviet position. The Soviets had received no reply to the proposal which Chairman Khrushchev had made as to the possibility of having troops in Berlin from the two pacts. The Secretary stated he believed from what had been said earlier that Dobrynin knew we could not accept this proposal. Dobrynin asked whether our definite reply was that this was not acceptable. The Secretary said "yes".

The Secretary then gave his first observations on Dobrynin's statements. He said that he did not think we could accept full responsibility for the phenomenon of repetition. In its essential aspects the Soviet position which had just been

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outlined had been regularly repeated since 1958. We do not believe that constant repetition will of itself produce a series of proposals from the West which could involve continuous attempts at compromise leading to erosion of the central necessity of our position in West Berlin. It is true that we have repeated this central point over and over, but there has been repetition on both sides. With reference to Dobrynin's statement about our remarks as to attempting to perpetuate the presence of our troops in West Berlin, we have not used this term. We hope that in time it will be possible to reach a permanent settlement of all outstanding German questions. We do not believe that we can reach such an agreement under present circumstances. We cannot seem to reach agreement either on a permanent settlement or on a definition of the de facto situation. Perpetuity is a very long time and we have not ourselves thought of the question in terms of perpetuity. With respect to a question like that of Berlin which is extremely difficult and central, time can have a useful effect. As the President had indicated to Chairman Khrushchev in his communication, he was encouraged to think that a way was opening to a settlement of the issues of Southeast Asia with particular reference to Laos. We hoped the Geneva conference would resume and achieve this result. This would be an important step. We also hoped that there were other points, such as outer space and disarmament, where improvements in our relations could occur. The more the general atmosphere improves, the more possible it will be to sort out the relationships between the two countries and the more manageable the central issue of West Berlin might become. An improvement of conditions in East Berlin and East Germany might make this more manageable.

The Secretary said he found it difficult to attach importance to the charge that the occupation troops in West Berlin were NATO troops. Western Europe and the United States united in the NATO agreement under circumstances with which Dobrynin was familiar. In an analogous sense the Warsaw Pact organization had been formed. The facts that our troops are in West Berlin and that we are members of NATO does not change the reality that our troops are there under earlier arrangements and that these arrangements cannot be changed and still have us meet our commitment to West Berlin. When in our modus vivendi paper we said we were not asking the Soviets to recognize the occupation status, we were trying to take the prestige question into account. Dobrynin had mentioned it was true that our prestige was heavily involved. If Soviet prestige is involved in the removal of Western forces from West Berlin, this was a problem created by the USSR for itself. Under these circumstances, it was not easy for us to solve the problem of Soviet prestige on the basis which the USSR proposed. Our modus vivendi did try to take account of Soviet prestige.

The Secretary went on to say that he was disappointed not to recognize in what Dobrynin had said any element of reciprocity in taking account of the other's vital interests which, in their last talk, he had requested the Soviets attempt to do. Dobrynin kept using the words "concession" and "compromise". The lack of reciprocity was disturbing in the Soviet reference to certain things which were stated not to be open for discussion. Such subjects as German reunification or resolution of the Berlin problem on an all-Berlin basis seemed to be beyond discussion. We cannot accept that only the diminution of our rights and commitments are open to discussion. We

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do not see that necessary reciprocity here which would open the way to handling this admittedly complicated and but at the same time simple and potentially dangerous problem. If Moscow were attempting to consider how things look from our side, its reference to relations between West Berlin and the Federal Republic could not be made as it is made. After all, the Soviets maintain that East Berlin is part of the GDR. In the face of this, it would be perfectly normal for us to say that West Berlin is part of the Federal Republic. Years ago, we entered a reservation which prevented an application of the Federal Republic's constitution to Berlin in order to be in a position to deal with these matters on a four-power basis. Now the Soviets say that East Berlin is part of the GDR and that is the end of it.

With reference to Dobrynin's mention of the discussion of force, the Secretary continued, he thought it right that neither the US nor the USSR should attempt to settle questions with each other by threats or reference to a war which the few survivors would never be able to understand. But the pressure of force comes from what the Soviets have said and from what Dobrynin had repeated today with respect to the consequences of the proposed agreement with the GDR. It was this pressure, intimidation and attempt to frighten which had given an atmosphere of crisis to the Berlin situation. This was dangerous and unnecessary, the Secretary added, but he wanted to identify that this pressure had been exerted by the Soviets on one of the key problems from the very beginning.

The Secretary said he would not go into any detail on the Soviet attempt to draw an analogy with the Japanese Peace Treaty. We could provide extensive notes as to why we did not consider this really relevant. Soviet forces had not been in occupation in Japan. Soviet cooperation with us in the Japanese war had been of three days' duration, although we had made strenuous efforts to enlist Soviet cooperation in that war at a time when we were also fighting Nazi Germany. There had been no quadripartite occupation of Japan, no zones of occupation and no Soviet presence. There had been general agreement among the community of states as to the terms of the Japanese treaty, although the Indians thought they were too severe and the Burmese thought them not to be severe enough. The Secretary added that he believed Chairman Khrushchev had told the President at Vienna that the Soviets should have signed the Japanese treaty. Thus, there were many differences which do not make the Japanese analogy relevant to the present situation.

As to access, the Secretary continued, the Soviets are aware from the newspapers that we had some thoughts which had been under discussion among us on an International Access Authority. At an earlier point, Ambassador Thompson had indicated some general ideas on the subject to Foreign Minister Gromyko. We were, of course, familiar with what Gromyko had said at Geneva on a four-power arbitral group. The Secretary said he thought there were matters involving access which could perhaps be worked out, but what makes them secondary is to link the access question with the withdrawal of Western forces from West Berlin. It did not seem profitable to try to find out whether such a four-power body would act unilaterally or what precise authority it would have as long as the link with troop withdrawal were maintained. At Geneva there seemed to be a time when this did not appear to be a fundamental point in Soviet thinking, but this now

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does seem to have been clarified as a fundamental point. Therefore, there did not seem to be much prospect in going down this trail.

These were his first observations, the Secretary concluded. He would report to the President and would be seeing his colleagues among the Western Foreign Ministers on his forthcoming visit to Europe. We would review the whole situation and presumed the Soviet side would do likewise, but he thought the central point continued to be the one which Dobrynin had indicated. It was the key that would unlock these other doors. The Secretary could also repeat arguments one through twenty, but did not feel any need to do so.

Dobrynin said he would like to reverse the Secretary's question and ask what is new in the US position. The Secretary commented that this was an important point. If one looked back on the past year of discussions between the two governments, one noted that we had made a considerable effort to draw attention to certain points we thought of interest and of importance to the Soviets and on which we considered some form of agreement might be possible. We have thus over the past year been injecting new elements. The Soviets, on the other hand, seemed to be putting them in a bag, tying the noose and then asking, "what's new?". Then when we get to the point of West Berlin, they continue to ask "what's new?".

Dobrynin here reviewed what he called the four Soviet variations for replacement of Western occupation troops in West Berlin: symbolic units of the four former occupying powers, of neutral countries, of UN forces and of certain countries of the NATO and Warsaw Pact groupings.

(Subsequently, Mr. Hillenbrand queried Kormienkov as to whether the second and third above were really variants. It was confirmed that they were, although the neutral units would be there under UN aegis.) Dobrynin said that the Soviet Union wanted to lessen tensions in the Middle of Europe. Yesterday Adenauer had been in Berlin. This would probably lead to a further exchange of notes. Did we think that this would help relations? The Soviets were trying to find a way, but the Secretary said only "No, No". The US had also given an ultimatum in saying it had no answer but to maintain the presence of Western troops. While the situation in Laos contained many elements that were not parallel, one advantage was that the US and the USSR were not confronting each other there. The Secretary commented that he was not sure that this applied in Germany. Dobrynin observed that it would be better if troops could be withdrawn to some extent. He did not want to emphasize the point which was linked to the concept of zones, but ending the confrontation would be a good thing in Berlin. The Secretary asked why, if this were so, the Soviets were not prepared to have the four powers accept the responsibility for all of Berlin. Dobrynin said that East Berlin is the capital of the GDR. This was not just an announcement, but there was a completely different social life there. The Secretary commented that there was no reason why East Berlin could not continue to be the locale for the small Soviet contingent just as West Berlin was the locale for the small Western contingents. The fact is, he continued, now that all these other things are in the Soviet basket,

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they are reaching out to deprive us. Dobrynin asked whether the Secretary believed that a UN presence would put West Berlin in a Soviet bag. The Secretary answered in the affirmative, noting that the reactions of the West Berliners and of our Allies would be just what President Kennedy had explained at Vienna. Dobrynin said the proposal for symbolic troops from the two Blocs was fair. The Secretary asked what the two Blocs had to do with West Berlin. Dobrynin responded by saying that it was not the capital of the Federal Republic. The Secretary observed that we were holding it in trust until the day when Berlin became the capital of a reunified Germany. He did not see why the Soviets could not keep their troops in East Berlin simply because of their effort to make East Berlin capital of the GDR. After all there were some twenty odd Soviet divisions in the GDR.

Dobrynin said the Soviet Union had nothing against German reunification, but the situation had changed much since the end of the war. If after World War II the West had wanted unification, it could have had it on one condition - the neutralization of Germany. The US could scarcely expect the Soviets to permit the reunification of Germany under such conditions as would have it end up in the Western camp. At that time the Soviet Union was quite prepared to have a united but neutral Germany. Then came Bizonia and subsequent developments. Now there were two German states. Surely the US did not believe that unification was possible now. It was true that such a powerful people would eventually have to be united. But the Soviet Union could not wait until then. As to the Japanese analogy, Dobrynin continued, the question was not one of how long the Soviets had fought in the war against Japan. After all, their contribution in the war against Germany and their losses had been much greater. As a matter of fact, the question was not one of counting the days of fighting but simply that the US did not wish to take consideration of Soviet interests in the Far East. The Secretary observed that a lot of history was involved, but it could not be forgotten that the Japanese treaty came at a time when practically every agreement we had made with the Soviets during and after the war had turned sour, for example that on China. Dobrynin commented that there was no China in 1949. The Secretary said that one of the reasons for this was that the Soviets had not kept their agreement on the disposal of Japanese arms. Dobrynin said he could not accept this, but in any event this was not the question.

Coming back to West Berlin, Dobrynin claimed that he could not understand why the US insisted on one-hundred per cent of its position, that is only the presence of troops of the three powers. Any of the various Soviet proposals would permit the West Berliners to have their way of life. Why did the Secretary insist on keeping US troops there permanently? The Secretary said he should qualify "permanently". After all Dobrynin continued, the US is fond of UN troops elsewhere and the Soviets are not. Therefore, they thought UN troops in West Berlin should be acceptable. If UN troops were accepted there, an agreement could be reached on their composition. The main question from the beginning has been that of the Western troops. Other questions were interesting, but were not primary. The Soviets had never tried to give the impression that this was not the principal question in order to get a little more out of the US. Yet the US always said "no" to Soviet attempts to provide a formula. The

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SECRETARY observed that we have tried to find some answer to the question of prestige. It had been unnecessary for the Soviets to make a point which they knew was impossible for us a matter of their prestige. This had been imprudent from a diplomatic point of view. We have tried to suggest how this problem of prestige might be dealt with. The Soviet line in rejecting our suggestion leads to the conclusion that their purpose is to get us out of Berlin and thus bring about a fundamental change in the situation in West Berlin. Dobrynin said the Soviets wanted West Berlin to live as it did now. They believed that it was not necessary to have US troops there to guarantee this. But the US insisted there was only one way. This is the agreed way, the Secretary commented. We agreed that the Soviets would be in East Berlin and the Western powers in West Berlin. Dobrynin said that seventeen years after the end of the war had brought a new situation. The Secretary asked what the new elements were. Dobrynin responded that there were now two German states which were members respectively of NATO and the Warsaw Pact. Any collisions between those two states would inevitably reflect on their respective Allies.

The Secretary commented that the problem of West Berlin had no bearing on this relationship of the two parties if the Soviets left West Berlin alone. Dobrynin observed that West Berlin was a source of danger. Today Adenauer was there, tomorrow there would be more clashes at the borders. The Secretary said that perhaps if someone other than Ulbricht were there, these frictions would decline. Dobrynin said that he would not make the same remark about Adenauer or Brandt. It was not a question of only one man. It would be far better if there were no opportunities for these daily clashes. The Secretary observed that they were not necessary. Dobrynin said that people thought they could do anything they liked in West Berlin because they could hide behind the "big boy". The US said its prestige was involved. But if the US were not there, then the Germans could not run and hide behind "big boy". It was hard for the US to say "keep quiet" to the Germans. Neutral representatives or UN representatives would not permit these things. They would say "keep quiet". Why was the US so stubborn in keeping its troops there? The Secretary observed that Dobrynin and the Soviets continued to be just as insistent that we abandon our responsibilities in West Berlin. What after all do the Czechs and the Poles know about the so-called way of life in West Berlin? They have had no experience in guaranteeing this way of life to West Berlin. Dobrynin said they would know what to do and not allow activities in West Berlin which would jeopardize relations between the US and the USSR.

The Secretary asked why there should be a problem from the Soviet view in having an agreement filed with the UN, with our staying in West Berlin. Why could we not agree that pending final settlement of the German question, the Western powers would continue to accept responsibility for the security of West Berlin. The access question could be worked out. This agreement could be filed at the UN and the UN could approve it and establish some sort of presence in West Berlin. Dobrynin commented that unless this meant UN troops, there would be no change from the present situation. The Secretary said that it would give the Soviets a change to refer to something which they could say was better than occupation status. If there were other issues of the sort about which Dobrynin had expressed concern, these could be taken up in the UN. Dobrynin stated that with UN troops in Berlin, the situation would be different. The UN can follow

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a line more gracefully than could the US. The Casa Strip experience had worked out pretty well. The Secretary observed that different parties were involved. Dobrynin said the Secretary was too suspicious. The Soviets had made a serious offer. It was not just a trick to get something from the US. The Secretary commented that there had been a lot of history since 1949. A lot of experience in mutual confidence was required. Dobrynin said that Laos was a good experience. The Secretary added that we have told Moscow that July 2 is agreeable to us for the opening of the Geneva meeting. Dobrynin asked whether the Secretary would be going to Geneva. The Secretary observed that what might be done was that Harriman and Pushkin could get the matter settled. Dobrynin commented that then the Foreign Ministers could come along and sign.

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